IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

OP.No. 11252 of 2002(M)

PETITIONER:

P.DEVAYANI AMMAL, W/O.RAJU CHETTIAR,
DEVAYANI FIBRES, MEENKARA POST, MUTHALAMADA
CHITTUR TALUK, PALAKKAD DIST.

BY ADV. SRI.H.BADARUDDIN

RESPONDENTS:
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1. **THE ASST.EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION,KERALA STATE ELECTRICITY
   BOARD, KOLLENGODE, PALAKKAD.

2. **THE SUB ENGINEER,**
   KERALA STATE ELECTRICITY BOARD, MUTHALAMADA,
   CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN SC FOR K.S.E.B.
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.19722/2002 IN OP. NO.11252/2002

DISMISSED

14.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE RE-ASSESSMENT ORDER NO.RBB/2001-02/33/01-002 DT. 22.11.01 FROM R.1 TO PETITIONER.

EXT.P2:- COPY OF THE INVOICE NO.9013 DT.19.11.01 FROM R.1 TO PETITIONER.

E.XT.P3:- COPY OF THE REPRESENTATION DT. 30.11.01 FROM PETITIONER TO R.1.

EXT.P4:- COPY OF THE LETTER DB 26/D.02/DT. 1.2.02 FROM R.1 TO PETITIONER.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.No.11252 of 2002

Dated this the 14th day of June, 2007

JUDGMENT

Petitioner is aggrieved by Exts.P1 and P2 assessment on the ground that there was an escaped assessment owing to the non-functioning of the 'Y' phase of the meter. The matter is disputed by the petitioner-consumer. According to her the energy consumed has been measured properly and amounts in respect of the same have been remitted also. Learned Standing Counsel for the Board submits that it is not as if the meter was in dispute, but it is a situation of escaped assessment owing to the non-functioning of the 'Y' phase of the meter. That is a situation which cannot be gone into at this distance of time since the meter as such is not available. Therefore, the dispute can be given a quietus and the interests of the parties can be safeguarded if the following directions are issued:-

The first respondent will make a revised assessment based on the consumption of the petitioner for the disputed period on the basis of the consumption during the previous year or the

same period after replacement of the meter, whichever is more advantageous to the petitioner consumer. The impugned orders are quashed. The revised assessment as above shall be issued within a period of three months from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.11252/2002

JUDGMENT

14th June, 2007